CONFERENCE ON DISARMAMENT

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REPORT OF THE CONFERENCE ON DISARMAMENT ON THE ONGOING REVIEW OF THE AGENDA, COMPOSITION AND METHODS OF WORK OF THE CONFERENCE

(Adopted at the 643rd plenary meeting on 18 February 1993)

1. By paragraph (c) of its decision 47/422 of 9 December 1992 dealing with the reconvening of the First Committee from 8 to 12 March 1993, the General Assembly, inter alia, requested the Conference on Disarmament to transmit to the Chairman of the First Commmittee "the status of [the Conference's] ongoing review of its agenda, composition and methods of work by 20 February 1993.". This report, adopted by the Conference by consensus, is pursuant to that request.

2. As noted in the report of the Conference on the report of the Secretary-General of the United Nations on "New dimensions of arms regulation and disarmament in the post-cold war era", the qualitative changes resulting from the new international situation and the new possibilities that have opened for enhanced international security through disarmament with the development of co-operative relations among States, have highlighted the indispensable character of the Conference for the negotiation of multilateral agreements.

3. The Conference offers a unique instrument for the harmonization of efforts by all the parties engaged in negotiations, members and non-members alike. The recent conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction is a case in point. In its resolution 47/54 E of 9 December 1992, adopted without a vote, the General Assembly welcomed the conclusion of the negotiations on the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, stating also that its conclusion "reaffirmed the need for and the importance of the Conference as the single multilateral disarmament negotiating forum of the international community".

4. The Conference decided, at the end of its 1992 annual session, to focus its attention on its improved and effective functioning, with particular reference to the important areas of the membership and agenda during the intersessional period, and to continue consideration of its methods of work (see the Conference on Disarmament's Report to the General Assembly, CD/1173, paragraphs 11 to 19). The General Assembly, in the above-mentioned resolution 47/54 E, noted with satisfaction the results achieved so far on the subject of the improved and effective functioning of the Conference, including the

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decision to carry out consultations on the issues of its membership and agenda, as well as the decision of the Conference to continue the process at its 1993 session; and furthermore encouraged the Conference in its ongoing review of its agenda, membership and methods of work (see resolution 47/54 E, last preambular paragraph and operative paragraph 3).

5. Most of this work has been conducted through informal open-ended consultations for the improved and effective functioning of the Conference, which have been chaired by Ambassador Ahmad Kamal of Pakistan during the last three annual sessions.

6. In its annual report, the Conference decided to entrust its President at that time, Ambassador Michel Servais of Belgium, with the task of conducting consultations during the inter-sessional period after the end of the 1992 annual session of the Conference, and to report back to the Conference at the beginning of the 1993 annual session.

7. During that period, Ambassador Servais met intensively, both in Geneva and in New York during the First Committee session, with members as well as non-members participating in the work of the Conference, which had officially requested membership.

8. Pursuant to the request of the Conference when it gave him the task, Ambassador Servais presented a report to the first meeting of the Conference during its 1993 session, on 18 January 1993 (CD/PV.636). He informed the Conference, that, on 8 December 1992, he had held open-ended consultations with all those delegations whom he had already met in a series of individual and group consultations, and had made a statement noting the progress made and that no conclusive results had been achieved. That statement was distributed to all participants. He had continued his consultations after 8 December 1992, and noted that there was no change in the assessment he had made in that statement, which is annexed to this report.

9. The question was also discussed at informal consultations at the opening of the 1993 annual session. At the second plenary meeting, the President of the Conference, Ambassador Celso Amorim of Brazil, read out the following statement on the Conference's agenda:

"(1) There is an understanding in the Conference that, at the outset of its 1993 session, the Conference decides to adopt as its agenda the agenda of its 1992 session, while noting that its on-going consultations on the review of this agenda will be intensified:

1. Nuclear test ban.

2. Cessation of the nuclear arms race and nuclear disarmament.

3. Prevention of nuclear war, including all related matters.

4. Prevention of an arms race in outer space.

5. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

6. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

7. Comprehensive programme of disarmament.

8. Transparency in armaments.

9. Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations.

(2) The Conference further agrees, without prejudice to any future decisions on the organizational framework of other items, to begin its work immediately on: "Nuclear Test Ban", "Prevention of an Arms Race in Outer Space", "Effective International Arrangements to Assure Non-Nuclear-Weapon-States against the Use or Threat of Use of Nuclear Weapons" and "Transparency in Armaments". For this purpose, the Conference establishes Ad Hoc Committees on these items with the following mandates:

- Nuclear Test Ban : the result of the 1992 consultations conducted by the special coordinator on this item (CD/1179)

- Prevention of an Arms Race in Outer Space : document CD/1125

- Effective international arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons : document CD/1121

- Transparency in Armaments : the decision of the Conference on 26 May 1992 (document CD/1150).

(3) The Conference also recalls its decision to intensify its consultations on its improved and effective functioning including its decision to carry out consultations on the issues of its membership and agenda. For this purpose, I confirm that I shall appoint two Special Co-ordinators to conduct consultations on the issues of membership and agenda.

Lastly, I understand that it is the intention of interested members to continue their on-going open-ended informal consultations on non-proliferation in all its aspects."

10. Further to the Presidential statement, the Conference decided, at its 639th and 640th plenary meetings, to appoint the Chairmen of the Ad Hoc Committees.

11. At its 639th plenary meeting, the Conference also decided to appoint Ambassador Miguel Marín Bosch of Mexico as Special Co-ordinator to review the issue of agenda and Ambassador Paul O'Sullivan of Australia as Special Co-ordinator to review the issue of membership. The Special Co-ordinators have commenced their work and engaged in intensive consultations. They will continue to work actively with the aim of obtaining agreement on both issues.

12. In accordance with its decision of 28 January 1993, the Conference pursued its informal consultations on the review of its agenda. There was general agreement that the question of the Conference's agenda is part of the broader issue of its methods of work, rules of procedure, composition and, ultimately, the role of the CD itself. It was recognized that there is a need to introduce changes in its work in order to respond more effectively to the challenges and opportunities of a changing international order. It was recalled that in 1979 the Conference began dealing with the cessation of the

arms race and disarmament and other relevant measures, taking into account, inter alia, the relevant provisions of the documents of the first and second special sessions of the General Assembly devoted to disarmament, in the following areas:

I. Nuclear weapons in all aspects;

II. Chemical weapons;

III. Other weapons of mass destruction;

IV. Conventional weapons;

V. Reduction of military budgets;

VI. Reduction of armed forces;

VII. Disarmament and development;

VIII. Disarmament and international security;

IX. Collateral measures, confidence-building measures; effective verification methods in relation to appropriate disarmament measures, acceptable to all parties concerned;

X. Comprehensive programme of disarmament leading to general and complete disarmament under effective international control.

13. It was agreed that the preceding areas, while not exclusive, offered a wide range of possibilities for a contemporary agenda to further its work. In the light of the conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, and taking into account the recommendations of the General Assembly and the proposals by Member States of the Conference, it was agreed to continue consultations with the aim of identifying specific items to be included in its future programme of work.

14. The Conference on Disarmament has appointed a Special Co-ordinator to consider the question of the possible expansion of its membership. The Special Co-ordinator has already begun consultations with Member States of the Conference on Disarmament. These consultations will continue with the aim of producing an agreed revised proposal for a new CD composition as soon as possible.

15. In connection with its methods of work, as noted above the Conference has reviewed them on a continued basis by adapting its rules of procedure, whenever necessary, and by agreeing on a number of other procedural arrangements to facilitate its work. Among them, various decisions were taken to expedite the participation of non-members in the activities of the Conference. Co-ordination of this aspect has been conducted in the open-ended consultations on the improved and effective functioning of the Conference itself.

16. The Conference will continue to address, as an important and urgent matter, the expansion of its membership, its agenda and methods of work. It intends to report to the General Assembly on the results of its deliberations on those questions at the end of its 1993 session.

STATEMENT OF THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT AT THE INFORMAL OPEN-ENDED CONSULTATIONS HELD ON 8 DECEMBER 1992

I wish to welcome all of you to this meeting held on those matters on which the Conference instructed me to conduct consultations during the intersessional period after the end of the 1992 annual session. Although I was requested to report back to the Conference only at the beginning of the 1993 annual session, I have considered it useful to keep you informed of developments in connection with the two important areas concerned by those consultations: the agenda and the expansion of the membership of the Conference. It seems to me that, by doing so, I will respond to the new developments that arose during the recent session of the First Committee, in particular its future session on 8-12 March 1993 and, at the same time, enhance the requirement of transparency to deal with those two subjects. Some members stressed the importance of ensuring adequate information for all in the process of consultations, a view that I fully share and intend to promote all along. Needless to say, the incoming President and the Secretary-General support this approach, the only one which will ensure success in these two matters.

As you know, immediately after the completion of the 1992 annual session and before we proceeded to New York to attend the First Committee, I conducted with the incoming President and the Secretary-General informal consultations with the members of the CD, as well as with a number of non-members. We did so in view of the fact that no distinction was made in the mandate given to me between members and non-members. Furthermore, as the questions of the agenda and expansion of the membership also are of direct concern to the non-members, it seemed to us that the need for transparency also applied to them. Accordingly, we invited to the consultations those non-members who have requested membership and had participated in the work of the Conference during its 1992 session. I also responded positively to a couple of requests from non-members who had participated in the 1992 annual session, although they had not yet requested the status of members, as they took the initiative in transmitting to me their views on those subjects. Nineteen non-members were consulted. Among the members, only one delegation was not available for those consultations.

Parallel to the deliberations of the First Committee, we were also able to clarify certain points concerning the consultations held in Geneva and, in a couple of cases, were approached by non-members who wished to be informed about how the consultations were proceeding.

With a view to maintaining transparency, I decided to refer to these questions in the statement in which I introduced the report of the Conference at the opening meeting of the First Committee on 12 October. On that occasion, I drew the attention of the Committee to the mandate given to me by the Conference, noting that the consultations had already started in Geneva during September and that they would continue in the following weeks. I emphasized the commitment of the Conference to conduct a comprehensive review of the question of the expansion of the membership, with the view to taking a positive decision in 1993. It was on the basis of this statement that the consultations continued in New York with some members of the First Committee.

I should like to add that, as you know, in the resolution adopted without a vote by the First Committee on the report of the Conference, it is noted with satisfaction the results achieved so far on the subject of the improved and effective functioning of the Conference on Disarmament, including the decision to carry out consultations on the issues of the membership and agenda of the Conference, and the decision of the Conference to continue the process at its 1993 session. Paragraph 3 of the same resolution encourages the ongoing review of the agenda, membership and methods of work of the Conference. I welcome this action by the General Assembly, which reflects that our concern for transparency has brought this matter to the attention of all the members of the UN. More recently, the First Committee adopted a decision to reconvene from 8 to 12 March 1993 and requested the Conference to transmit to the Chairman of the First Committee the results of its consideration of the report of the Secretary-General entitled "New dimensions of arms regulation and disarmament in the post-cold war era" by 15 February 1993, as well as the status of its ongoing review of its agenda, composition and methods of work by 20 February 1993. Clearly this decision adds to the need to deal with these questions as expeditiously as possible.

As additional background to our discussions today, I wish to inform you that an additional request for membership has been received from Croatia on 5 November 1992. On the same date, the Secretary-General of the Conference circulated the relevant communication to all members of the Conference.

I should like now to report to you on the result of the first round of consultations on both subjects, that is the expansion of the membership and the agenda.

In connection with the question of expansion, I have requested the Secretary-General of the Conference to prepare an informal background paper on the composition of the Conference. It is up to the members to decide how useful that informal paper would be, but we felt that we would save time and discussion by simply providing you with this information, which you might have requested in any case. You will find there the changes in the membership of the multilateral disarmament negotiating body since 1959. The informal paper addresses both the enlargements in the membership since that time and the procedure followed for each expansion. If anything, I would add to the information contained in the informal paper that the enlargements were not preceded by lengthy discussions on the relative importance of various principles or approaches to expand the Conference, but rather in response to specific requests for membership or to certain political conditions in the world which made it necessary for the Conference to invite some States to join it.

The Secretary-General is also circulating a list of requests for membership with an indication of the dates on which they were transmitted to the Conference.

May I now deal with my consultations with the members, some of which expressed views on a personal basis. In general, I noted that the need for expansion was widely recognized, with the exception of two members who, while not opposed to take a decision in 1993, felt that it might be advisable to wait until the international situation evolves further. Having said this, I

will now deal with the type of expansion envisaged by members. Only few held the view that the expansion should take place along the lines of the decision still pending since 1983, that is, an enlargement by not more than 4 to 5 members. A wide majority of those consulted felt that this solution was either not possible or unacceptable. Two members were of the view, on a personal basis, that the CD could become open-ended. They also expressed interest in the suggestion of Ambassador Hyltenius for a more precise type of open-ended arrangement, according to which the Conference would be made open to all States which applied for membership. On the other hand, many members opposed the concept of an open-ended Conference and maintained that the expansion should be limited, although larger than the figure of 4 to 5 suggested by very few delegations. Some members noted that the expansion should be by more than 5, without indicating any particular figure. Other members expressed preference for an enlargement of 10 to 15. A substantial majority of those in favour of a larger expansion supported the figure of approximately 20, which could be more or less depending on the situation at the time of the final decision. Some members noted that they were prepared even for an expansion by 30 members. Twelve delegations suggested that those candidates who had been active or had formally made their request for membership be incorporated as members of the Conference. Three members expressed very strong opposition to this idea, rejecting the concepts on which the suggestion had been advanced.

It would come as no surprise to you if I tell you that the majority of non-members expressed support for an open-ended Conference, with approximately half of them indicating that they would support the idea advanced by Ambassador Hyltenius. In fact, only one non-member objected to the open-ended principle. Others were of the view that an expansion by 4 to 5 would be unrealistic and suggested to expand either by 10 to 15 or 20 new members, with a majority supporting the last figure. Two non-members proposed rotation in the membership, but this idea found opposition by members as well as several non-members.

It is clear to me now, after the first round of consultations, that some of the alternatives opened to us will not reach consensus, as opposition to them is very strong, either on political considerations or because, in the view of those consulted, the disavantages far outweigh any advantages. This is the case with the possibility of limiting the expansion to no more than 4 or 5 new members, as well as of an open-ended Conference, although as I noted before, the variant represented by Ambassador Hyltenius' idea raised some interest. The same applies to the concept of rotation, which was raised by only a few delegations and is also strongly opposed.

Still, there is a wide area which we can continue to explore, in particular those aspects which have not received objections. I shall continue to pursue them, but for the moment I would like to stress that there is a significant trend in favour of a substantial expansion by approximately 20 members.

As regards the criterion on which an expansion would be based, several members have expressed support for a geographical approach, in some cases adjusted on the basis of political and military considerations. Other members favoured an approach which would give equal emphasis to political, military as

well as geographical considerations. Still fewer members referred to the need to maintain balance, but without clarifying how that would be achieved. The view was also expressed that recent developments had created a new situation, leading to the emergence of new nuclear and conventional military powers, an element which should not be ignored in disarmament negotiations. Some members also noted that, as a result of the next expansion of the membership or even before, there might be a need to review the structure of the group arrangements in the Conference. Two members said specifically that the expansion should not be "Eurocentric", arguing that Europe is already well represented. Several members rejected this notion, which they consider unrealistic. Finally, one member drew attention to the voting pattern at the General Assembly as a criterion to be followed.

As you can see, several approaches have been discussed in connection with the expansion: geographical as well as political, and the military significance of some candidates. A serious problem will be, therefore,to try to find beforehand what would be their relative weight. It seems to me that it may become an endless and unuseful exercise leading to nowhere. It might be better for the President to proceed with his private consultations on the candidates and to come up with an agreed solution to this question.

One of our colleagues wisely advised me that the expansion should be a package arrangement, avoiding consideration of candidates on a case-by-case basis. To this I would like to add that, in my view, it is not absolutely essential that additions to one group should be arithmetically matched by additions to other groups. Experience has shown that this is not always possible. It seems to me, however, that in arriving at a consensus it will be necessary to show mutual accommodation, keeping in mind the question of what I will call an <u>overall</u> balance which could be developed by reviewing the list of possible candidates for membership, whether or not they have already formalized their requests.

In connection with the procedure to be followed when we agree on the candidates for expansion, you will find in the background paper circulated by the Secretariat that various approaches were followed in the past. I would like to draw your attention to the procedure agreed the last time, when the CD was constituted. That arrangement made it possible to expand the multilateral disarmament negotiating forum, without political considerations preventing the addition to the CD of some new members, either because of the status of bilateral relations or other factors, such as a strict approach to a numerical balance.

I would like now to review the question of the agenda. The first point raised during the consultations was whether it was necessary to change the present annual agenda. A wide majority of delegations supported or were prepared to accept changes in the agenda. Only four members expressed the view that there was no need to change the agenda or that they were happy with it as it is, although some among them indicated that they would be flexible if changes were put forward. Among the non-members, equally a wide majority supported or were willing to see changes, while only one among those consulted felt that the agenda might remain as is.

In connection with specific items on the agenda of the Conference, there has been a wide range of views on what should be in and what should be out. In reviewing the suggestions put forward, one finds that to include all of them would mean a longer list of items than what we have had up to now.

Some trends, however, can be identified with certainty. Many delegations have stressed the importance of two items on the present agenda, "Nuclear Test Ban" and "Transparency in Armaments", though in the last case the view has often been expressed that it would be necessary to review specific areas which might lend themselves for action under the agenda item. Next in the list of preferences follows the question of "Effective International Arrangements to Assure Non-Nuclear-Weapons States Against the Use or Threat of Use of Nuclear Weapons", where there is strong feeling that the Conference should be able to move towards an agreement. The following item in order of interest is "Prevention of an Arms Race in Outer Space", with a number of delegations stressing the importance of devoting efforts to the consideration of confidence-building measures in outer space. Next in order of preferences is the question of including a new item on the non-proliferation of weapons of mass destruction. However, a view was expressed that this matter should in fact be addressed by the UNDC. Another view was that the item should be on the agenda to address nuclear non-proliferation and that, in a certain way, the Conference should become the preparatory committee for the next Review Conference of the NPT. Another subject which has drawn attention is the consideration of confidence-building measures, global and regional, as a separate item or as an element of "Transparency in Armaments". Not only these subjects have been the most frequently mentioned by delegations but also no opposition has been voiced on them. The agenda item relating to radiological weapons has not drawn much attention, but several views were advanced in connection with the approach to the two tracks in the agenda item. Among those addressing the issue, it is felt that the two tracks should become separate items or sub-items of other items on the agenda. As regards the present agenda items 2 and 3, relating to "Cessation of the Nuclear Arms Race and Nuclear Disarmament" and the "Prevention of Nuclear War, including all Related Matters", the membership is divided into three different groups of approximately equal strength: to keep them on the agenda as they are, to drop them from the agenda, or to reformulate them, possibly by merging both concepts. Members are also divided with respect to the present agenda item 8 "Comprehensive Programme of Disarmament". Some members wish to keep it, and among them, the view was expressed that it could be usefully limited to a consideration of confidence-building measures and verification. Other members believed that it should be deleted from the agenda. A third view was that it should be kept on the agenda, but it should not be a matter for consideration until conditions make it possible.

Other subjects mentioned, but not at the same level as those that I have already mentioned, are the following: the possible role for the CD in developing verification procedures for existing disarmament agreements, the ban on the production of fissionable material for weapon purposes, and conventional disarmament, including regional measures. One member drew attention to the question of disarmament and development.

In connection with the question of a possible role for the CD in developing verification arrangements for existing disarmament agreements, reference has been made during the consultations to rule 23 of the rules of procedure, which would make it possible for the parties in those agreements to participate fully in any subsidiary body dealing with that subject.

Many members have stressed during the consultations the need to come up with a reduced agenda. Some among them have noted that we should delete those items on which negotiations are not possible. As you can see, any requirement to reduce the agenda clashes with a detailed list that is emerging from the consultations. Clearly, harmonization of these two elements does not seem within reach at present. We should therefore choose between the two options, or think in terms of agenda items with several sub-items. This may be a possible solution to the question. In this connection, the view was also expressed that the annual agenda may require the addition of new items due to requests of the General Assembly or for reasons of urgency, both possibilities being envisaged in our rules of procedure. Thus, in this view, the requirement of a reduced agenda would be relative.

Non-members have also expressed views on the agenda and, in general, trends seem to be close to those emerging in the case of the members. The agenda items "Nuclear Test Ban" and "Transparency in Armaments" are singled out by a wide majority as priority matters. The same divisions observed among the members appear in connection with the items 2 and 3 dealing with "Cessation of the Nuclear Arms Race and Nuclear Disarmament" and "Prevention of Nuclear War, including all Related Matters", with equally strong views in each case. Other preferred subjects are non-proliferation, verification of disarmament agreements, conventional disarmament, confidence-building measures and the prevention of an arms race in outer space, almost equal interest being shown on each of them. There are also differences among non-members on the advisibility of keeping item 8 on the agenda. One non-member suggested two new items, entitled "Disarmament and Development" and "Disarmament and International Security".

It seems obvious that the question of the agenda will require further consultations, in particular on certain subjects where delegations are divided. However, much ground has been covered, in the sense that now we have a clear idea of the preferences of many members. This will be helpful to us in advancing ideas on our future agenda. While every effort needs to be done to achieve an agreement quickly, it seems to me that we would be wise in envisaging at a certain point the opening of our work in 1993 with the provisional agenda that contains the items adopted for the previous year, minus the item dealing with chemical weapons, following the practice of the Conference every year. This provisional agenda could be circulated by the Secretary-General and be the subject of an announcement by the President at the opening of the annual session, without formal approval, which will only take place when agreement is reached on the 1993 agenda. This arrangement may help us to start our substantive work by proceeding quickly to set up subsidiary bodies on a limited number of items, since in the light of the requests received from the General Assembly in its recent decision on disarmament machinery we may need to concentrate our work on certain substantive questions. In a way, my consultations already point to three or four items which attract the attention of many delegations. Of course, it will be to the incoming President to consult on these matters.

Although not a subject of my consultations, I wish to draw your attention to the question of the requests addressed to us by the General Assembly which I have just mentioned. In the decision adopted by the First Committee this year, according to which that body will hold a session on 8-12 March 1993, we are requested to transmit very early, by 15 and 20 February 1993, the results of our consideration of the report of the Secretary-General and information on the status of our review of the agenda, composition and methods of work. That means that we should, in addition to the organization of our activities on substance, deal with these matters from the beginning of the annual session or even earlier. In connection with the report of the Secretary-General, members wishing to have their views reflected in our report should deliver statements at plenary meetings during the first two weeks of the annual session. The other subjects may be covered by reference to these consultations and, in connection with our methods of work, we shall come back to this question later. In any case, I wish for the moment to note that the Conference has already its own rules of procedure, on the basis of which it has developed certain practices. Such practices are updated periodically by our informal consultations on the improved and effective functioning of the Conference, which have been a useful arrangement to ensure that our procedures evolve whenever necessary.

I have no further comments at this stage. The Secretariat will be circulating now this statement, in order to facilitate our future consultations. Of course, I will be happy to respond to any question that you may wish to ask at this stage.